



**House
Legislative
Analysis
Section**

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**ADOPT-A-RIVER,
ADOPT-A-SHORELINE**

**House Bills 4884 and 4885 as enrolled
Public Acts 88 and 89 of 1996
Second Analysis (2-27-96)**

**Sponsor: Rep. James Middaugh
House Committee: Conservation,
Environment and Great Lakes
Senate Committee: Natural Resources
and Environmental Affairs**

THE APPARENT PROBLEM:

Michigan is nearly surrounded by the Great Lakes and has many beautiful inland lakes and rivers of which its citizens can be justifiably proud. Unfortunately, without constant efforts to keep them clean, pollution takes its toll on Michigan's shorelines and rivers. To combat the ever increasing amounts of garbage in these areas, many different organizations gather volunteers who help to pick up the garbage in Michigan's rivers and on its shorelines.

In an effort to help organize and encourage volunteers in cleaning up the garbage from the state's rivers, shorelines, and the public lands adjacent to them, legislation has been proposed which would create an "Adopt-a-River" and an "Adopt-a-Shoreline" program. These programs would be similar to the "Adopt-a-Park" and "Adopt-a-Highway" programs instituted in this state, which have by many accounts been successful in encouraging volunteers to help maintain and keep clean the state's highways and parks.

THE CONTENT OF THE BILLS:

House Bills 4884 and 4885 would amend the Natural Resources and Environmental Protection Act to require the Department of Natural Resources to initiate and administer an Adopt-A-River program and an Adopt-A-Shoreline program, which would have the purpose of helping to remove litter from and beautifying the state's rivers and shorelines and public lands surrounding those rivers and shorelines.

Although the requirements of the programs would include providing public informational activities, the primary intent of the programs would be to encourage and facilitate the efforts of volunteer groups in litter cleanup efforts and to assign different groups to specific rivers or shorelines. In order to accomplish this the department would be required to create and enter into

agreements with the different volunteer groups. The agreements between the department and volunteer groups would have to include: 1) identification of the specific river or stream segment, or the area of shoreline, that the volunteer group would be assigned to care for; 2) the volunteer group's duties, including the removal of litter along the assigned river or shoreline at least once a year; 3) the responsibilities of the volunteer group, including that the group agreed to follow all of the rules related to the program that had been adopted by the department; and 4) the length of time the volunteer group agreed to care for the river or shoreline (with a minimum time period of two years).

The department would have the responsibility of assigning each volunteer group to different sections of the state's rivers or shorelines, although a volunteer group could request a specific section of a river or shoreline. In determining the assignments, the department would be required to coordinate and cooperate with the federal, state, and local management agencies, as well as affected private landowners.

The department would have the authority to promulgate rules necessary to implement the programs. However, the bill would specify that if the Michigan Supreme Court rules that sections 45 and 46 of the Administrative Procedures Act (MCL 24.245 and 24.246) are unconstitutional, and a statute requiring legislative review of administrative rules is not enacted within 90 days after such a ruling, the department would not be allowed to promulgate any rules under either program.

Further, the department would be responsible for the creation of a recognition program to acknowledge the efforts of those volunteer groups and their members that had participated in the programs, and for providing the volunteer groups with safety information and assistance,

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as well as providing natural resources information and educational materials.

The department would also be required to make an annual report on the implementation and progress of the programs to the standing committees of the legislature that primarily deal with issues relating to the protection of natural resources and the environment. The annual reports would have to include information as to the types of trash collected by the groups during their cleanup efforts. This information would be gathered through data information sheets which would be issued to the volunteer groups by the department. The groups would be asked to fill out the information sheets and forward them to the department. The department would then compile the information and include it in the annual report.

MCL 324.35801 and 324.35901

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that these bills would result in a most likely small and ongoing increase in costs associated with the cost of administration and materials, including such things as trash removal services, tributes, and so forth. (9-19-95)

ARGUMENTS:

For:

Like the Adopt-a-Park and Adopt-a-Highway programs, these bills would provide a framework to encourage voluntary activities in basic environmental clean-up. Although there are currently groups which take part in various efforts to clean-up the state's rivers and shorelines, there is no overall statewide framework to make certain that such clean-up efforts are maximized. These bills would provide just such a framework. The Department of Natural Resources would facilitate the efforts of the different volunteer organizations by identifying specific sections of the shorelines or rivers which the individual groups would be expected to maintain and by setting standards as to the duties of each group.

Against:

The bills would force government involvement into an area already well served by private volunteer organizations. Many private groups are already involved in different clean-up efforts for both the shorelines and the rivers of this state. It would be best to allow the local groups to continue their efforts without state interference. The current system allows the different volunteer groups the flexibility and

creativity needed to get the work done on a shoestring budget. It is not necessary to have the government step in and oversee the activities of these volunteers. Setting up requirements concerning the time and/or manner that the volunteers would be expected to perform their work could cause many volunteers and/or groups from participating in the clean-up activities.

The administrative and logistical activities do not need statewide coverage and are better dealt with at the local level. Currently, volunteer groups work together to see to it that their activities do not overlap, and that is rarely if ever a problem. Most volunteers will only be interested in working on an area close to their homes rather than across the state, and as a result organizing which group should clean-up what area is a local problem. If the DNR must be involved in this, its responsibilities should be limited to providing information on and promoting and encouraging clean-up activities, as well as assisting with organizational problems where needed, rather than providing a mandatory oversight function.

Response:

These bills would serve to increase public awareness and encourage participation in ongoing volunteer clean up efforts in the same manner as has occurred with the Adopt-a-Highway and Adopt-a-Park programs. As a result, it is likely that these bills would greatly expand, not decrease, the number and type of volunteers and groups which become involved in efforts to clean up the state's shorelines and rivers.

Against:

Implementing the bills will be expensive for the DNR. The administrative costs involved in prioritizing areas for clean-up and reporting on the activities of the different volunteer groups, as well as the logistical problems of determining which group should work on which area, and the cost of providing assistance and safety, natural resource, and educational materials to the volunteer groups, could put excessive demands on the DNR's already limited budget. The bills provide no additional funds to help the DNR to implement the bills. It is unlikely that the requirements of these bills could be met with the DNR's current budget without cutting into other programs.

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.